

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:24-cr-18-MOC

UNITED STATES OF AMERICA,)
)
)
 vs.))
)
VALACHIE WENDELL HENDON,))
)
 Defendant.))
)

ORDER

THIS MATTER is before the Court on Defendant's Motion to Dismiss Counts 1, 2, 3, 4, 5, 6, 7, 9, and 10 of Indictment. (Doc. No. 24). The Government has responded in opposition to the motion. (Doc. No. 28).

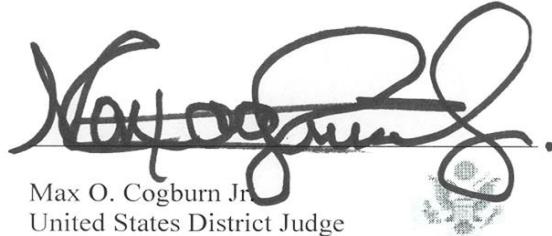
I. BACKGROUND AND DISCUSSION

Defendant is charged in a Bill of Indictment with distributing fentanyl and methamphetamine, possession of a firearm by a felon, and knowingly using a firearm during a drug-trafficking crime. (Doc. No. 1). Defendant asks this Court to dismiss Counts 1, 2, 3, 4, 5, 6, 7, 9, and 10 against him. The Court will deny Defendant's motion for the reasons stated in the Government's brief.

Specifically, Defendant's challenges to Counts 1, 2, 3, 4, 5, 6, 7, 9, and 10 are without merit. His objection to the constitutionality of the prohibition against felons possessing firearms fails, as the Fourth Circuit held that 18 U.S.C. § 922(g) is not facially unconstitutional. See United States v. Canada, 103 F.4th 257 (4th Cir. 2024). Additionally, Defendant's vagueness challenge as to various counts also fails because the Bill of Indictment meets the requirements of FED. R. CRIM. P. 7(c)(1) to provide a plain, concise, and definite written statement of the essential facts constituting the offense charged.

IT IS THEREFORE ORDERED that Defendant's Motion to Dismiss Counts 1, 2, 3, 4, 5, 6, 7, 9, and 10 of Indictment, (Doc. No. 24), is **DENIED**.

Signed: October 14, 2024



A handwritten signature in black ink, appearing to read "Max O. Cogburn Jr.", is written over a horizontal line. To the right of the signature is a small, faint circular emblem or seal.

Max O. Cogburn Jr.
United States District Judge